

***** THIS TESTIMONY IS EMBARGOED UNTIL *****
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**TESTIMONY OF MICHAEL PETIT, PRESIDENT
EVERY CHILD MATTERS EDUCATION FUND**

before the

**COMMITTEE ON WAYS AND MEANS SUBCOMMITTEE ON HUMAN
RESOURCES US HOUSE OF REPRESENTATIVES
Hearing on “Child Deaths Due to Maltreatment”**

July 12, 2011

Chairman Davis, Ranking Member Doggett, Members of the Sub-committee, thank you for the opportunity to testify on this urgent issue. It is one in which I have been involved for 40 years, including the time that I served as Maine's health and human services commissioner, and while at the Child Welfare League of America.

According to official federal statistics, 13,856 children died from child abuse and neglect during the 2001–2009 period. Additionally, several studies have concluded there actually is significant undercounting of maltreatment deaths, and that the true number may be several thousands more than reported.

Much can be done to reduce these child abuse and neglect deaths. There exists a vast body of knowledge about healthy child growth and development, including how to prevent abuse in the first place, and how to protect children from further harm if abuse should occur. But the sheer amount of child abuse and neglect in America—already more than 20 million reports of maltreatment made to government agencies in this decade—is certain evidence that, despite the best efforts of the many who work daily to address this problem, we continue to fall far short in applying our knowledge.

While the day to day direct responsibility for the protection of at-risk children rests with thousands of local and state child protection agencies, law enforcement, and courts across the country, their efforts could be greatly strengthened by expanding federal planning, coordination, and funding aimed at reducing child deaths.

Child Abuse Deaths are Preventable. The President and Congress Must Elevate the Protection of Children to a National Priority if Children Facing Mortal Danger Are To Be Protected

The official number of children killed from abuse or neglect nationwide in 2009 is 1,770. In 2001, the total was 1,300. Three-quarters of the children are under four. The current systems of child protection are stretched too thin to protect these children.

Between 2001–2009, the official number of child abuse and neglect fatalities was 13,856. The U.S. Department of Health and Human Services has reported an increasing number and rate of fatalities. In thousands of these cases, people

reported the danger facing the child to authorities. For a variety of reasons—especially child protective agency budgets and staff capacity stretched dangerously thin in comparison to the problem—the response to these warnings failed the child. Now a harsh economy combined with a steadily weakened safety net in many states—including unprecedented slashes in child protection spending in some states— threaten to put even more children at risk.

The direct administration of protective services to children at risk of imminent harm properly rests with state and local governments. But with a long history of inadequate funding for child protection and severe budget crises at the state and local levels threatening public safety, the federal government alone possesses the authority and resources to ensure equal protection to children all across the country.

It remains a little known fact that the federal government already provides nearly half of the funds in the formal child welfare system and much of the statutory framework. The federal government is also legally obligated to evaluate each state's child protection performance and to prescribe recommendations for improvement. But, as presently constructed, neither federal funding nor federal oversights are at levels sufficient to protect all children who require it.

The Actual Number of Child Fatalities Is Unknown but Is Believed to Be Much Higher than Official Statistics

Well-documented research suggests the number of children who die from abuse and neglect is considerably higher than official government statistics. Here's how the federal government defines maltreatment deaths:

“Fatal child abuse may involve repeated abuse over a period of time (e.g., battered child syndrome), or it may involve a single, impulsive incident (e.g., drowning, suffocating, or shaking a baby). In cases of fatal neglect, the child's death results not from anything the caregiver does, but from a caregiver's failure to act. The neglect may be chronic (e.g., extended malnourishment) or acute (e.g., an infant who drowns after being left unsupervised in the bathtub).”

Using this definition, several peer-reviewed studies conclude that there is a significant undercount of child maltreatment deaths. This is mainly due to what

some researchers believe to be the improper classification of many maltreatment deaths as “unintentional injury death,” deaths such as those caused by drowning, fire, suffocation, and poisoning. Upon examination of the circumstances underlying such deaths by forensic, medical and maltreatment experts—particularly if conducted by multi-disciplinary teams—the percentage of cases re-classified as maltreatment-related may comprise 50% or more of the unintentional injury deaths attributed to other causes on death certificates. The vast majority of these re-classified deaths are associated with inadequate supervision of children, often rising to the level of neglect.

If the research is correct about this “under-ascertainment” of maltreatment-related deaths, if it holds roughly true nationwide, then thousands of additional children should be included in the official maltreatment death toll from 2001–2009. What explains the undercount? There are a variety of reasons, including different state definitions of what constitutes a child abuse and neglect death, data collection methodologies, inconsistent record-keeping across the country, and who it is that actually determines the cause of death.

For example, a local child protective services agency opens a case involving child neglect. But because the mother agrees to treatment, the agency decides to leave the child home. However, the mother continues her drug use and one afternoon passes out in her apartment. Meanwhile, her two-year-old child plays unsupervised on a street and is struck by a car. In most states the death is recorded as a pedestrian accident, not the child neglect-related death that the federal definition would suggest it is.

A promising development in determining the amount of maltreatment deaths has been the creation of state child death review teams. In virtually all states there is a team which exists to review child deaths and determine their cause, including deaths from child abuse and neglect. The information resulting from this multi-disciplinary team process provides invaluable data which can shape public health, law enforcement, and child welfare policy and practice. The teams vary in their capacity to conduct their activities. Some are well-funded and give each case the attention required; many don’t have the necessary resources. The review teams agree on the need for stronger efforts to prevent child abuse and neglect deaths. In the words of one state’s team manager: “For conditions that are 100% preventable, we do a very poor and extremely fragmented job at preventing child maltreatment, as well as protecting those being maltreated.”

Child Abuse and Neglect Fatalities Flow from Extensive Child Maltreatment in the U.S.

Nearly 20 million annual reports of abuse and neglect have been made to official state child protection agencies in this decade. And while ‘only’ a third or so of these reports were initially substantiated as abuse or neglect, it is often just a matter of time before many of the unsubstantiated cases also reveal themselves to be true as new reports involving the same family continue to be made to the child protection agency. There is no evidence which suggests that intentionally false reports alleging maltreatment are a serious issue. The reality is that child abuse and neglect in our culture are common.

Furthermore, state reporting to the federal government—required by law—remains uneven: since 2001, 24 states did not report child abuse and neglect numbers for at least one of the years in the Department of Health and Human Services annual Child Maltreatment report, and some did not report at all. Even without complete state data, the official numbers of children reported abused or neglected are staggering. Additionally, incidence studies of abuse and neglect conducted for the federal government suggest that the actual occurrences of maltreatment may be three times greater than the number of reports made to state child protection agencies.

Of the 721,646 children confirmed abused and neglected in 2007:

- 60% did not receive proper food, clothing, shelter, hygiene, education, medical care or protection.
- 13% suffered from multiple maltreatments.
- 11% were physically abused.
- 8% were sexually abused.
- 4% suffered from emotional abuse.
- 1% suffered from medical neglect.
- 4% suffered from other mistreatment such as abandonment, threats, and congenital drug addiction.
- 50% or more of child abuse and neglect cases are associated with alcohol or drug abuse by parents.

Of the millions of children reported abused or neglected each year, several thousand are in life threatening situations. The present systems of child protection successfully intervene in many of these situations, and further harm to a child is prevented. But for nearly 2,000 children, whatever response may be generated is too little, too late, and children die.

Many More American Children Die from Abuse and Neglect Than Do Children in Other Advanced Countries

Among the richer democracies, the U.S. child abuse death rate is 3 times higher than Canada's, and 11 times higher than Italy's.

What accounts for the differences? Among other things, teen pregnancy, violent crime, imprisonment, and poverty rates are much lower in these countries. Further, their social policies in support of families are much greater and typically include child care, universal health insurance, paid parental leave, visiting nurses, and more—all things which together can prevent child abuse and neglect in the first place.

The U.S. invests only modestly in similar preventive measures compared to the needs of the most vulnerable families. This serious social policy lapse creates an environment where child abuse and neglect are common—where preventable maltreatment fatalities are inevitable.

It Is Largely an Accident of Geography Whether Abused or Neglected Children Receive the Full Protection They Need

As hard as they may try, no states are in full compliance with federal child welfare standards. No matter, state child protection reform efforts, often stemming from federal reviews and evaluations, have fueled many positive changes in state child protection practices in recent years.

But the combination of millions of children in harm's way and inadequate resources leaves many states stretched too thin to protect all children who need it. Accordingly, it is unlikely that states will come into compliance with all federal standards anytime soon, especially in view of severe state budget woes. But some states do protect children better than others. For example, in 2007 the child abuse and neglect fatality rate in the bottom state was 16 times that in the top state.

Although a clear correlation has not been established on how much states spend on child protective services and their child abuse and neglect death rates, states which do allocate more funds are more likely to investigate all abuse and neglect

reports, not just some, because social workers have more manageable workloads. They also are more likely to retain staff; invest heavily in training; provide timely mental health, substance abuse treatment, and other services; and to prosecute serious abusers. Some states have much less capacity to conduct such activities, and state budget problems are weakening already under-funded systems of child protection. Such huge variations in capability among the states and their thousands of child protection offices across the country can translate directly into whether children live or die.

Many Child Protection Workers Frequently Lack the Resources and Training They Need

Child protection work is labor intensive, difficult, and emotionally stressful. The consequences of the decisions that child protection workers must make can be enormous: leave a child in harm's way, for example, or exercise powerful state authority that can result in the termination of parental rights. When trained and experienced staffs have access to experienced supervisors and to timely services such as mental health, substance abuse treatment, police back-up, and emergency shelter, children are much more likely to be protected, and abusive parents are much more likely to learn how to care for their children safely.

Recruiting and retaining highly trained social workers is a must. A major factor in retention is workload size. Children inevitably fall through the cracks when child protection workers have unmanageable workloads, leaving workers frustrated. Caseload ratios in some jurisdictions are as high as 60 or more, even while national standards recommend 12 or fewer cases per worker. Another factor in recruitment is compensation. Starting salaries under \$30,000 for child protection workers are not uncommon, and rarely do they rise above \$50,000—modest sums in view of the important jobs they are asked to do.

Further, while child protection workers are the most prominent “first responders” to child abuse and neglect, there are many others on the front lines who also may be involved, including education, law enforcement, and health professionals. Often, these groups lack training and support for fulfilling their own obligations to report abuse and neglect and to protect children.

To protect children at high risk of life-threatening abuse and neglect, the official child protective services agencies and law enforcement must collaborate. Child

protective workers are best able to focus on the needs of the child, and law enforcement personnel are essential when confronting serious abusers. Written protocols and joint training between child protective services and law enforcement are essential for protecting children. Such collaborative efforts are much better developed in some jurisdictions than others, including those served by children's advocacy centers.

Restrictive Confidentiality Laws Shield the Press, Elected Officials and the Public from Shortcomings in the Child Protection System

Originally intended to protect living child victims from publicity, confidentiality laws have become a hindrance to a better public understanding of child abuse and neglect fatalities. Sometimes used to shield the public from the details of a child's death, confidentiality laws also interfere with journalists gathering and reporting facts about the incident. Even lawmakers are sometimes denied access to information surrounding an individual case, information that is critical to strengthening the child protection system. The withholding of such information benefits no one.

Stories about child abuse and neglect deaths are often reported in local papers, especially if a child's situation was brought to the attention of authorities. Frequently, however, these reports reveal little about how the formal child protection system performed in a fatality case. Instead they may focus on the seeming inadequacy of the child protective worker in the case, and often they prompt a call for both the worker and agency administrator to be fired. This response does little to address the underlying systemic problem.

The national press generally limits its maltreatment coverage to the most sensational child deaths. It provides virtually no press coverage of the federal government's role in the prevention of child abuse and neglect fatalities. And it is rare to see members of Congress or senior Administration officials speaking to the issue.

Stopping Child Abuse and Neglect Fatalities Requires Fighting Child Poverty

While strengthening the formal child protective services system has the highest

immediate promise for safeguarding children in dangerous situations, there are millions of children in marginal homes who are at daily risk of harm. Reducing this risk will reduce fatalities—and the need for protection in the first place. Reducing risk also poses an enormous economic challenge because, while child abuse occurs in all socioeconomic ranks, it lands hardest on children in the poorest families. In fact, poverty is the single best predictor of child abuse and neglect, and no wonder in view of the family stress often accompanying poverty. One study found that a child living in a family with an annual income of \$15,000 or less was 22 times more likely to be abused than one in a family with an income of \$30,000 or more.

One in five American children, over 14 million, still lives in poverty. Conditions that are still widespread in the U.S., i.e., teen parenthood, violence, mental illness, substance abuse, imprisonment, unemployment, low education, and poor housing, are all disproportionately associated with poverty and often wreak havoc on poor families and children.

Most fatality victims are very young and very poor. In 2007, 75% were four or younger, and almost half were under age one. As noted in the federal Department of Health and Human Services' report *Child Abuse and Neglect Fatalities: Statistics and Interventions*, "these children are the most vulnerable for many reasons, including their dependency, small size, and inability to defend themselves." Further, 70% of the fatalities involved a parent as perpetrator. And often the abuser is a poor "...young adult...without a high school diploma...depressed... [who] has experienced violence first hand."

We know a great deal about preventing abuse and neglect and stopping related fatalities. When provided with support services and appropriate supervision, the vast majority of potentially abusive and neglectful parents can learn to safely care for their children. And many abused children who get help are resilient enough to overcome their history. But for many, the outcome is predictable: when childhood goes wrong, adulthood goes wrong, and the sad story of abuse, including death, repeats itself from one generation of troubled families to the next.

Children at Grave Risk of Being Killed Require Protection from Their Government

We need a national approach for protecting children because of the heavy toll exacted from the nation caused by child abuse and neglect—thousands killed, millions of lives ruined, costs of more than \$100 billion a year.

While it is too late to help the children shown in this report, we can honor their memories by vowing to protect every child in danger.

Yet even with broad public support for protecting every child from harm, the nation's present commitment of resources, laws, and policies is too little.

We can overcome inadequate funding for child protective services and wide variations in capacity among states only by enacting federal policy committed to protecting children no matter where they live.

Call to Action: Stop Child Abuse and Neglect Deaths

A National Commission to End Child Abuse and Neglect Fatalities should be created by Congress. Building upon the best of current child protection systems, it should recommend a national strategy for stopping maltreatment deaths.

- Current levels of federal spending are far below the level needed to protect all children at imminent risk of harm. \$3 billion to \$5 billion in additional funds are required, for example, to allow child protective workers and other frontline personnel to have smaller caseloads and better training, and to provide a wide array of public health and social services to help at risk families.
- In consideration of expanded federal spending, states should be required to adopt national standards, drawn from existing best practices and policy, for protecting children.
- Congress should modify confidentiality laws to allow policy makers, the press, and the public to understand better what protection policies and practices need to be improved in the aftermath of a child's death.
- The Department of Health and Human Services should standardize definitions and methodologies used to collect data related to maltreatment deaths and should require states to provide such data in order to receive federal funds. Further, state child death review teams should be adequately funded.
- The Department of Health and Human Services, in cooperation with state child protective and public health agencies, should conduct a public education campaign to encourage reporting of child abuse and neglect, and to enlist

communities in the protection of children.

- To better protect children at imminent risk of severe harm, the federal government, led by the Departments of Justice and Health and Human Services, and in cooperation with states, should adopt a model protocol for assuring that civil and criminal legal proceedings are closely coordinated between child protection and law enforcement agencies.